

ASSEMBLY BILL

No. 1551

Introduced by Assembly Member Sharon Runner

February 22, 2005

An act to amend Sections 209, 220, 667.51, 667.61, 667.71, 3000, and 3001 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1551, as introduced, Sharon Runner. Sexual predators.

Under existing law, the punishment for kidnapping with the intent to commit any of several specified sexual acts is imprisonment in the state prison for life with the possibility of parole.

This bill would add rape committed in concert and committing lewd and lascivious acts to the above specified sexual acts.

Under existing law, the punishment for assault with intent to commit any of several specified sexual acts is imprisonment in the state prison for 2, 4, or 6 years.

This bill would provide that the punishment for assaulting another person with the intent to commit any of several specified sexual acts while in the commission of a first degree burglary, is imprisonment in the state prison for life without the possibility of parole.

Existing law provides for an enhanced prison term of 5 years for a person convicted of committing lewd and lascivious acts who had a prior conviction for any of several specified sexual offenses. The enhanced term does not apply if that person has not been in custody for, or committed a felony during, at least 10 years between the instant and prior offense.

This bill would delete the 10-year exception.

Under existing law, persons who are convicted of committing certain sexual offenses who have previously been convicted of other

sex offenses, including habitual sexual offenders, as defined, or who are convicted of certain sex offenses while in the commission of another offense, are eligible for credit to reduce the minimum term imposed.

This bill would eliminate that eligibility for those persons.

Under existing law, the punishment for a conviction of certain sex offenses is 25 years to life if the offense was committed in the course of a kidnapping or burglary, the victim was tortured, or the defendant had previously been convicted of one of those sex crimes.

This bill would add continuous sexual abuse of a child to those sex offenses.

Under existing law, a court has the authority to order an action dismissed or to strike a prior conviction for purposes of sentencing a defendant.

This bill would prohibit a court from striking an allegation, admission, or finding of a prior conviction for, and would prohibit granting probation to, defendants who are convicted of certain sex offenses.

Under existing law, the period of parole for a person convicted of certain sex offenses is 5 years, which period may be extended for an additional 5 years, after a hearing by the Board of Prison Terms.

This bill would increase that period of parole to 10 years, and would eliminate the possibility of extension.

Because the bill would increase the scope of several crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 209 of the Penal Code is amended to
2 read:

3 209. (a) Any person who seizes, confines, inveigles, entices,
4 decoys, abducts, conceals, kidnaps or carries away another

1 person by any means whatsoever with intent to hold or detain, or
 2 who holds or detains, that person for ransom, reward or to
 3 commit extortion or to exact from another person any money or
 4 valuable thing, or any person who aids or abets any such act, is
 5 guilty of a felony, ~~and upon conviction thereof, shall be punished~~
 6 ~~by imprisonment in the state prison for life without possibility of~~
 7 ~~parole in cases in which any person subjected to any such act. A~~
 8 *person who is convicted of violating this section shall be*
 9 *punished by imprisonment in the state prison for life without the*
 10 *possibility of parole if the victim suffers death or bodily harm, or*
 11 *is intentionally confined in a manner which exposes that person*
 12 *to a substantial likelihood of death, or shall be punished by*
 13 *imprisonment in the state prison for life with the possibility of*
 14 *parole in cases where no such person suffers if the victim does*
 15 *not suffer death or bodily harm.*

16 (b) (1) Any person who kidnaps or carries away any
 17 individual to commit robbery, rape, spousal rape, oral copulation,
 18 sodomy, or ~~sexual penetration in any~~ violation of Section 264.1,
 19 288, or 289, shall be punished by imprisonment in the state
 20 prison for life with *the* possibility of parole.

21 (2) This subdivision shall only apply if the movement of the
 22 victim is beyond that merely incidental to the commission of, and
 23 increases the risk of harm to the victim over and above that
 24 necessarily present in, the intended underlying offense.

25 (c) In all cases in which probation is granted, the court shall,
 26 except in unusual cases where the interests of justice would best
 27 be served by a lesser penalty, require as a condition of the
 28 probation that the person be confined in the county jail for 12
 29 months. If the court grants probation without requiring the
 30 defendant to be confined in the county jail for 12 months, it shall
 31 specify its reason or reasons for imposing a lesser penalty.

32 (d) Subdivision (b) shall not be construed to supersede or
 33 affect Section 667.61. A person may be charged with a violation
 34 of subdivision (b) and Section 667.61. However, a person may
 35 not be punished under subdivision (b) and Section 667.61 for the
 36 same act that constitutes a violation of both subdivision (b) and
 37 Section 667.61.

38 SEC. 2. Section 220 of the Penal Code is amended to read:

39 220. ~~Every~~ *(a) Except as provided in subdivision (b), every*
 40 *person who assaults another with intent to commit mayhem, rape,*

1 sodomy, oral copulation, or any violation of Section 264.1, 288,
2 or 289 ~~is punishable~~ *shall be punished* by imprisonment in the
3 state prison for two, four, or six years.

4 *(b) Any person who, in the commission of a burglary of the*
5 *first degree, assaults another person with intent to commit rape,*
6 *sodomy, oral copulation, or any violation of Section 264.1, 288,*
7 *or 289, shall be punished by imprisonment in the state prison for*
8 *life without the possibility of parole.*

9 SEC. 3. Section 667.51 of the Penal Code is amended to read:

10 667.51. (a) Any person who is ~~found guilty convicted~~ of
11 violating Section 288 shall receive a five-year enhancement for a
12 prior conviction of an offense ~~listed~~ *specified* in subdivision (b);
13 ~~provided that no additional term shall be imposed under this~~
14 ~~subdivision for any prison term served prior to a period of 10~~
15 ~~years in which the defendant remained free of both prison~~
16 ~~eustody and the commission of an offense that results in a felony~~
17 ~~conviction.~~

18 (b) Section 261, 262, 264.1, 269, 285, 286, 288, 288a, 288.5,
19 or 289, or any offense committed in another jurisdiction that
20 includes all of the elements of any of the offenses ~~set forth~~
21 *specified* in this subdivision.

22 ~~(e) Section 261, 264.1, 286, 288, 288a, 288.5, or 289, or any~~
23 ~~offense committed in another jurisdiction that includes all of the~~
24 ~~elements of any of the offenses set forth in this subdivision.~~

25 ~~(d)~~

26 (c) A violation of Section 288 by a person who has been
27 previously convicted two or more times of an offense ~~listed~~
28 *specified* in subdivision (e) ~~is punishable as a felony (b) shall be~~
29 *punished* by imprisonment in the state prison for 15 years to life.
30 However, if the two or more prior convictions were for violations
31 of Section 288, this subdivision is applicable only if the current
32 violation or at least one of the prior convictions is for an offense
33 other than a violation of subdivision (a) of Section 288. For
34 purposes of this subdivision, a prior conviction is required to
35 have been for charges brought and tried separately. The
36 provisions of Article 2.5 (commencing with Section 2930) of
37 Chapter 7 of Title 1 of Part 3 shall apply to reduce any minimum
38 term in a state prison imposed pursuant to this section, but that
39 person shall not otherwise be released on parole prior to that
40 time.

1 SEC. 4. Section 667.61 of the Penal Code is amended to read:

2 667.61. (a) ~~Any~~ person who is convicted of an offense
3 specified in subdivision (c) under one or more of the
4 circumstances specified in subdivision (d) or under two or more
5 of the circumstances specified in subdivision (e) shall be
6 punished by imprisonment in the state prison for life and shall
7 not be eligible for release on parole for 25 years except as
8 provided in subdivision (j) 25 years to life.

9 (b) Except as provided in subdivision (a), a any person who is
10 convicted of an offense specified in subdivision (c) under one of
11 the circumstances specified in subdivision (e) shall be punished
12 by imprisonment in the state prison for life and shall not be
13 eligible for release on parole for 15 years except as provided in
14 subdivision (j) 15 years to life.

15 (c) This section shall apply to any of the following offenses:

16 (1) ~~Rape~~, in violation of paragraph (2) or (4) of subdivision
17 (a) of Section 261.

18 (2) ~~Spousal rape~~, in violation of paragraph (1) or (4) of
19 subdivision (a) of Section 262.

20 (3) ~~Rape, spousal rape, or sexual penetration, in concert, in~~
21 violation of Section 264.1.

22 (4) ~~Lewd or lascivious acts~~, in violation of subdivision (b)
23 of Section 288.

24 (5) ~~Sexual penetration~~, in violation of subdivision (a) of
25 Section 289.

26 (6) ~~Sodomy or oral copulation~~ Sodomy, in violation of
27 paragraph (2) or (3) of subdivision (c), or subdivision (d) of,
28 Section 286 or 288a by force, violence, duress, menace, or fear of
29 immediate and unlawful bodily injury on the victim or another
30 person.

31 (7) ~~A violation of subdivision (a) of Section 288, unless the~~
32 defendant qualifies for probation under subdivision (c) of Section
33 1203.066 Oral copulation, in violation of paragraph (2) or (3) of
34 subdivision (c), or subdivision (d) of, Section 288a.

35 (8) Lewd or lascivious acts, in violation of subdivision (a) of
36 Section 288.

37 (9) Continuous sexual abuse of a child, in violation of Section
38 288.5.

39 (d) The following circumstances shall apply to the offenses
40 specified in subdivision (c):

1 (1) The defendant has been previously convicted of an offense
2 specified in subdivision (c), including an offense committed in
3 another jurisdiction that includes all of the elements of an offense
4 specified in subdivision (c).

5 (2) The defendant kidnapped the victim of the present offense
6 and the movement of the victim substantially increased the risk
7 of harm to the victim over and above that level of risk necessarily
8 inherent in the underlying offense in subdivision (c).

9 (3) The defendant inflicted aggravated mayhem or torture on
10 the victim or another person in the commission of the present
11 offense in violation of Section 205 or 206.

12 (4) The defendant committed the present offense during the
13 commission of a burglary *of the first degree*, as defined in
14 subdivision (a) of Section 460, with intent to commit an offense
15 specified in subdivision (c).

16 (5) *The defendant committed the present offense in violation of*
17 *Section 264.1, subdivision (d) of Section 286, or subdivision (d)*
18 *of Section 288a, and in the commission of that offense, any*
19 *person committed any act described in paragraph (2), (3), or (4).*

20 (e) The following circumstances shall apply to the offenses
21 specified in subdivision (c):

22 (1) Except as provided in paragraph (2) of subdivision (d), the
23 defendant kidnapped the victim of the present offense in
24 violation of Section 207, 209, or 209.5.

25 (2) Except as provided in paragraph (4) of subdivision (d), the
26 defendant committed the present offense during the commission
27 of a burglary, ~~as defined in subdivision (a) of Section 460, or~~
28 ~~during the commission of a burglary of a building, including any~~
29 ~~commercial establishment, which was then closed to the public,~~
30 ~~in violation of Section 459.~~

31 (3) The defendant personally inflicted great bodily injury on
32 the victim or another person in the commission of the present
33 offense in violation of Section 12022.53, 12022.7, or 12022.8.

34 (4) The defendant personally used a dangerous or deadly
35 weapon or firearm in the commission of the present offense in
36 violation of Section 12022, 12022.3, 12022.5, or 12022.53.

37 (5) The defendant has been convicted in the present case or
38 cases of committing an offense specified in subdivision (c)
39 against more than one victim.

1 (6) The defendant engaged in the tying or binding of the
2 victim or another person in the commission of the present
3 offense.

4 (7) The defendant administered a controlled substance to the
5 victim by force, violence, or fear in the commission of the
6 present offense in violation of Section 12022.75.

7 (8) *The defendant committed the present offense in violation of*
8 *Section 264.1, subdivision (d) of Section 286, or subdivision (d)*
9 *of Section 288a, and in the commission of that offense, any*
10 *person committed any act described in paragraph (1), (2), (3),*
11 *(4), (6), or (7).*

12 (f) If only the minimum number of circumstances specified in
13 subdivision (d) or (e) ~~which~~ *that* are required for the punishment
14 provided in subdivision (a) or (b) to apply have been pled and
15 proved, that circumstance or those circumstances shall be used as
16 the basis for imposing the term provided in subdivision (a) or (b),
17 *whichever is greater*, rather than being used to impose the
18 punishment authorized under any other *provision of* law, unless
19 another *provision of* law provides for a greater penalty *or the*
20 *punishment under another provision of law can be imposed in*
21 *addition to the punishment provided by this section.* However, if
22 any additional circumstance or circumstances specified in
23 subdivision (d) or (e) have been pled and proved, the minimum
24 number of circumstances shall be used as the basis for imposing
25 the term provided in subdivision (a), and any other additional
26 circumstance or circumstances shall be used to impose any
27 punishment or enhancement authorized under any other *provision*
28 *of* law. Notwithstanding *Section 1385 or any other provision of*
29 *law, the court shall not strike any allegation, admission, or*
30 *finding of any of the circumstances specified in subdivision (d) or*
31 *(e) for any person who is subject to punishment under this*
32 *section.*

33 ~~(g) The term specified in subdivision (a) or (b) shall be~~
34 ~~imposed on the defendant once for any offense or offenses~~
35 ~~committed against a single victim during a single occasion. If~~
36 ~~there are multiple victims during a single occasion, the term~~
37 ~~specified in subdivision (a) or (b) shall be imposed on the~~
38 ~~defendant once for each separate victim. Terms for other offenses~~
39 ~~committed during a single occasion shall be imposed as~~

1 ~~authorized under any other law, including Section 667.6, if~~
2 ~~applicable.~~

3 ~~(h) Probation~~

4 ~~(g) Notwithstanding any other provision of law, probation~~
5 ~~shall not be granted to, nor shall the execution or imposition of~~
6 ~~sentence be suspended for, any person who is subject to~~
7 ~~punishment under this section for any offense specified in~~
8 ~~paragraphs (1) to (6), inclusive, of subdivision (e).~~

9 ~~(i) For the~~

10 ~~(h) For any offense specified in paragraphs (1) to (7),~~
11 ~~inclusive, of subdivision (c), the court shall impose a consecutive~~
12 ~~sentence for each offense that results in a conviction under this~~
13 ~~section if the crimes involve separate victims or involve the same~~
14 ~~victim on separate occasions, as defined in subdivision (d) of~~
15 ~~Section 667.6.~~

16 ~~(i) The penalties provided in this section to apply, shall apply~~
17 ~~only if the existence of any fact required under circumstance~~
18 ~~specified in subdivision (d) or (e) shall be is alleged in the~~
19 ~~accusatory pleading and pursuant to this section, and is either~~
20 ~~admitted by the defendant in open court or found to be true by~~
21 ~~the trier of fact.~~

22 ~~(j) Article 2.5 (commencing with Section 2930) of Chapter 7~~
23 ~~of Title 1 of Part 3 shall apply to reduce the minimum term of 25~~
24 ~~years in the state prison imposed pursuant to subdivision (a) or~~
25 ~~15 years in the state prison imposed pursuant to subdivision (b).~~
26 ~~However, in no case shall the minimum term of 25 or 15 years be~~
27 ~~reduced by more than 15 percent for credits granted pursuant to~~
28 ~~Section 2933, 4019, or any other law providing for conduct credit~~
29 ~~reduction. In no case shall any person who is punished under this~~
30 ~~section be released on parole prior to serving at least 85 percent~~
31 ~~of the minimum term of 25 or 15 years in the state prison.~~

32 SEC. 5. Section 667.71 of the Penal Code is amended to read:

33 667.71. (a) For the purpose of this section, a habitual sexual
34 offender is a person who has been previously convicted of one or
35 more of the offenses listed *specified* in subdivision (c) and who is
36 convicted in the present proceeding of one of those offenses.

37 (b) A habitual sexual offender ~~is punishable~~ *shall be punished*
38 *by imprisonment in the state prison for 25 years to life.* ~~Article~~
39 ~~2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of~~
40 ~~Part 3 shall apply to reduce any minimum term of 25 years in the~~

1 ~~state prison imposed pursuant to this section. However, in no~~
2 ~~case shall the minimum term of 25 years be reduced by more~~
3 ~~than 15 percent for credits granted pursuant to Section 2933,~~
4 ~~4019, or any other law providing for conduct credit reduction. In~~
5 ~~no case shall any person who is punished under this section be~~
6 ~~released on parole prior to serving at least 85 percent of the~~
7 ~~minimum term of 25 years in the state prison.~~

8 (c) This section shall apply to any of the following offenses:

9 (1) ~~A Rape, in violation of paragraph (2) or (6) of subdivision~~
10 ~~(a) of Section 261.~~

11 (2) ~~A Spousal rape, in violation of paragraph (1) or (4) of~~
12 ~~subdivision (a) of Section 262.~~

13 (3) ~~A Rape, spousal rape, or sexual penetration, in concert, in~~
14 ~~violation of Section 264.1.~~

15 (4) ~~A Lewd or lascivious acts, in violation of subdivision (a)~~
16 ~~or (b) of Section 288.~~

17 (5) ~~A Sexual penetration, in violation of subdivision (a) or (j)~~
18 ~~of Section 289.~~

19 (6) ~~A Continuous sexual abuse of a child, in violation of~~
20 ~~Section 288.5.~~

21 (7) ~~A Sodomy, in violation of subdivision (c) or (d) of Section~~
22 ~~286 by force, violence, duress, menace, or fear of immediate and~~
23 ~~unlawful bodily injury on the victim or another person.~~

24 (8) ~~A violation of subdivision (d) of Section 286.~~

25 (9) ~~A~~

26 (8) ~~Oral copulation, in violation of subdivision (c) or (d) of~~
27 ~~Section 288a by force, violence, duress, menace, or fear of~~
28 ~~immediate and unlawful bodily injury on the victim or another~~
29 ~~person.~~

30 (10) ~~A~~

31 (9) ~~Kidnapping, in violation of subdivision (b) of Section 207.~~

32 (11) ~~A or in violation of former subdivision (d) of Section 208~~
33 ~~(kidnapping to commit specified sex offenses).~~

34 (12) ~~A~~

35 (10) ~~Kidnapping in violation of subdivision (b) of Section 209~~
36 ~~with the intent to commit rape, spousal rape, oral copulation, or~~
37 ~~sodomy or sexual penetration in violation of Section 289 a~~
38 ~~specific sexual offense.~~

39 (13) ~~A~~

1 (11) *Aggravated sexual assault of a child, in violation of*
2 Section 269.

3 ~~(14)–~~

4 (12) An offense committed in another jurisdiction that ~~has~~
5 includes all of the elements of an offense specified in paragraphs
6 ~~(1) to (13), inclusive, of this subdivision.~~

7 (d) *Notwithstanding Section 1385 or any other provision of*
8 *law, the court shall not strike any allegation, admission, or*
9 *finding of any prior conviction specified in subdivision (c) for*
10 *any person who is subject to punishment under this section.*

11 (e) *Notwithstanding any other provision of law, probation*
12 *shall not be granted to, nor shall the execution or imposition of*
13 *sentence be suspended for, any person who is subject to*
14 *punishment under this section.*

15 (f) This section shall apply only if the defendant's status as a
16 habitual sexual offender is alleged in the ~~information~~ *accusatory*
17 *pleading*, and either admitted by the defendant in open court, or
18 found to be true by the ~~jury trying the issue of guilt or by the~~
19 ~~court where guilt is established by a plea of guilty or nolo~~
20 ~~contendere or by trial by court sitting without a jury trier of fact.~~

21 SEC. 6. Section 3000 of the Penal Code is amended to read:

22 3000. (a) (1) The Legislature finds and declares that the
23 period immediately following incarceration is critical to
24 successful reintegration of the offender into society and to
25 positive citizenship. It is in the interest of public safety for the
26 state to provide for the supervision of and surveillance of
27 parolees, including the judicious use of revocation actions, and to
28 provide educational, vocational, family and personal counseling
29 necessary to assist parolees in the transition between
30 imprisonment and discharge. A sentence pursuant to Section
31 1168 or 1170 shall include a period of parole, unless waived, as
32 provided in this section.

33 (2) The Legislature finds and declares that it is not the intent
34 of this section to diminish resources allocated to the Department
35 of Corrections for parole functions for which the department is
36 responsible. It is also not the intent of this section to diminish the
37 resources allocated to the Board of Prison Terms to execute its
38 duties with respect to parole functions for which the board is
39 responsible.

1 (3) The Legislature finds and declares that diligent effort must
2 be made to ensure that parolees are held accountable for their
3 criminal behavior, including, but not limited to, the satisfaction
4 of restitution fines and orders.

5 (4) Any finding made pursuant to Article 4 (commencing
6 with Section 6600) of Chapter 2 of Part 2 of Division 6 of the
7 Welfare and Institutions Code, that a person is a sexually violent
8 predator shall not toll, discharge, or otherwise affect that person's
9 period of parole.

10 (b) Notwithstanding any provision to the contrary in Article 3
11 (commencing with Section 3040) of this chapter, the following
12 shall apply:

13 (1) At the expiration of a term of imprisonment of one year
14 and one day, or a term of imprisonment imposed pursuant to
15 Section 1170 or at the expiration of a term reduced pursuant to
16 Section 2931 or 2933, if applicable, the inmate shall be released
17 on parole for a period not exceeding three years, except that any
18 inmate sentenced for an offense specified in paragraph (3), (4),
19 (5), (6), (11), (16), or (18) of subdivision (c) of Section 667.5
20 shall be released on parole for a period not exceeding five years,
21 unless in either case the parole authority for good cause waives
22 parole and discharges the inmate from the custody of the
23 department.

24 (2) In the case of any inmate sentenced under Section 1168,
25 the period of parole shall not exceed five years in the case of an
26 inmate imprisoned for any offense other than first or second
27 degree murder for which the inmate has received a life sentence,
28 and shall not exceed three years in the case of any other inmate,
29 unless in either case the parole authority for good cause waives
30 parole and discharges the inmate from custody of the department.
31 This subdivision shall also be applicable to inmates who
32 committed crimes prior to July 1, 1977, to the extent specified in
33 Section 1170.2.

34 (3) Notwithstanding paragraphs (1) and (2), in the case of any
35 offense for which the inmate has received a life sentence
36 pursuant to Section 667.61 or 667.71, the period of parole shall
37 be five 10 years. ~~Upon the request of the Department of~~
38 ~~Corrections, and on the grounds that the paroled inmate may pose~~
39 ~~a substantial danger to public safety, the Board of Prison Terms~~
40 ~~shall conduct a hearing to determine if the parolee shall be~~

1 ~~subject to a single additional five-year period of parole. The~~
2 ~~board shall conduct the hearing pursuant to the procedures and~~
3 ~~standards governing parole revocation. The request for parole~~
4 ~~extension shall be made no less than 180 days prior to the~~
5 ~~expiration of the initial five-year period of parole.~~

6 (4) The parole authority shall consider the request of any
7 inmate regarding the length of his or her parole and the
8 conditions thereof.

9 (5) Upon successful completion of parole, or at the end of the
10 maximum statutory period of parole specified for the inmate
11 under paragraph (1), (2), or (3), as the case may be, whichever is
12 earlier, the inmate shall be discharged from custody. The date of
13 the maximum statutory period of parole under this subdivision
14 and paragraphs (1), (2), and (3) shall be computed from the date
15 of initial parole ~~or from the date of extension of parole pursuant~~
16 ~~to paragraph (3)~~ and shall be a period chronologically
17 determined. Time during which parole is suspended because the
18 prisoner has absconded or has been returned to custody as a
19 parole violator shall not be credited toward any period of parole
20 unless the prisoner is found not guilty of the parole violation.
21 However, *in the period of parole is subject to the following:*

22 (A) *In no case, except as provided in Section 3064, may a*
23 *prisoner subject to three years on parole be retained under parole*
24 *supervision or in custody for a period longer than four years from*
25 *the date of his or her initial parole, and.*

26 (B) *In no case, except as provided in Section 3064, in no case*
27 *may a prisoner subject to five years on parole be retained under*
28 *parole supervision or in custody for a period longer than seven*
29 *years from the date of his or her initial parole or from the date of*
30 *extension of parole pursuant to paragraph (3).*

31 (C) *In no case, except as provided in Section 3064, may a*
32 *prisoner be subject to 10 years on parole be retained under*
33 *parole supervision or in custody for a period longer than 15*
34 *years from the date of his or her initial parole.*

35 (6) The Department of Corrections shall meet with each
36 inmate at least 30 days prior to his or her good time release date
37 and shall provide, under guidelines specified by the parole
38 authority, the conditions of parole and the length of parole up to
39 the maximum period of time provided by law. The inmate has the
40 right to reconsideration of the length of parole and conditions

1 thereof by the parole authority. The Department of Corrections or
2 the Board of Prison Terms may impose as a condition of parole
3 that a prisoner make payments on the prisoner's outstanding
4 restitution fines or orders imposed pursuant to subdivision (a) or
5 (c) of Section 13967 of the Government Code, as operative prior
6 to September 28, 1994, or subdivision (b) or (f) of Section
7 1202.4.

8 (7) For purposes of this chapter, the Board of Prison Terms
9 shall be considered the parole authority.

10 (8) The sole authority to issue warrants for the return to actual
11 custody of any state prisoner released on parole rests with the
12 Board of Prison Terms, except for any escaped state prisoner or
13 any state prisoner released prior to his or her scheduled release
14 date who should be returned to custody, and Section 3060 shall
15 apply.

16 (9) It is the intent of the Legislature that efforts be made with
17 respect to persons who are subject to subparagraph (C) of
18 paragraph (1) of subdivision (a) of Section 290 who are on parole
19 to engage them in treatment.

20 SEC. 7. Section 3001 of the Penal Code is amended to read:

21 3001. (a) (1) Notwithstanding any other provision of law,
22 when any person referred to in paragraph (1) of subdivision (b)
23 of Section 3000 who was not imprisoned for committing a
24 violent felony, as defined in subdivision (c) of Section 667.5, has
25 been released on parole from the state prison, and has been on
26 parole continuously for one year since release from confinement,
27 within 30 days, that person shall be discharged from parole,
28 unless the Department of Corrections recommends to the Board
29 of Prison Terms that the person be retained on parole and the
30 board, for good cause, determines that the person will be
31 retained.

32 (2) Notwithstanding any other provision of law, when any
33 person referred to in paragraph (1) of subdivision (b) of Section
34 3000 who was imprisoned for committing a violent felony, as
35 defined in subdivision (c) of Section 667.5, has been released on
36 parole from the state prison for a period not exceeding three
37 years and has been on parole continuously for two years since
38 release from confinement, or has been released on parole from
39 the state prison for a period not exceeding five years and has
40 been on parole continuously for three years since release from

1 confinement, the department shall discharge, within 30 days, that
2 person from parole, unless the department recommends to the
3 board that the person be retained on parole and the board, for
4 good cause, determines that the person will be retained.

5 (3) The board shall make a written record of its determination
6 and the department shall transmit a copy thereof to the parolee.

7 (b) Notwithstanding any other provision of law, when any
8 person referred to in paragraph (2) or (3) of subdivision (b) of
9 Section 3000 has been released on parole from the state prison,
10 and has been on parole continuously for three years since release
11 from confinement ~~or since extension of parole~~, the board shall
12 discharge, within 30 days, the person from parole, unless the
13 board, for good cause, determines that the person will be retained
14 on parole. The board shall make a written record of its
15 determination and the department shall transmit a copy thereof to
16 the parolee.

17 (c) *Notwithstanding any other provision of law, when any*
18 *person referred to in paragraph (3) of subdivision (b) of Section*
19 *3000 has been released on parole from the state prison, and has*
20 *been on parole continuously for six years since release from*
21 *confinement, the board shall discharge the person from parole*
22 *within 30 days, unless the board, for good cause, determines that*
23 *the person will be retained on parole. The board shall make a*
24 *written record of its determination and the department shall*
25 *transmit a copy thereof to the parolee.*

26 (d) In the event of a retention on parole, the parolee shall be
27 entitled to a review by the parole authority each year thereafter
28 until the maximum statutory period of parole has expired.

29 (d)

30 (e) The amendments to this section made during the 1987–88
31 Regular Session of the Legislature shall only be applied
32 prospectively and shall not extend the parole period for any
33 person whose eligibility for discharge from parole was fixed as
34 of the effective date of those amendments.

35 SEC. 8. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the
40 penalty for a crime or infraction, within the meaning of Section

- 1 17556 of the Government Code, or changes the definition of a
- 2 crime within the meaning of Section 6 of Article XIII B of the
- 3 California Constitution.

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